THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19312 OF 1997

DATED: 05-3-2007

Between :

Golla Subbaraidu .. Petitioner

And

1. The Joint Collector-cum-Settlement Officer,
   Ongole, Prakasam District and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19312 of 1997

ORDER :

This writ petition is filed seeking a declaration that the order dated 3-1-1997 passed by the 1st respondent – Joint Collector-cum-Settlement Officer, Ongole, Prakasam District as arbitrary and illegal.

I have heard the learned Counsel for both the parties and perused the material on record.

The petitioner herein was granted patta by the then Additional Assistant Settlement Officer, Nellore by order dated 27-2-1967 under Section 11 (a) of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act 26 of 1948 (for short, 'the Act') in respect of Ac.16-71 cents of land situated in Sy.No.27/2 of Egalapadu Village, Podili Mandal, Prakasam District. Pursuant thereto, the petitioner has been continuing in possession and enjoyment of the said land. While so, the Director of Settlements, A.P., Hyderabad in exercise of powers of Revision under Section 5 (2) of the Act had taken up suo motu enquiry. However, the said proceedings were dropped by order dated 26-11-1982 on the ground that it is not proper to unsettle a settled matter after a lapse of 15 years. Questioning the said order, the Collector, Ongole filed Revision Petition before the Commissioner of Survey Settlements and Land Records. The said Revision was allowed thereby setting aside the order of the Additional Assistant Settlement Officer, Nellore as well as the order of the Director of Settlements and the mater was remanded to the 1st respondent for fresh enquiry. Pursuant thereto, the 1st

respondent having taken up the enquiry, passed an order dated 3-1-1997 rejecting the claim of the petitioner for grant of a ryotwari patta on the ground that there was no cultivation prior to 1359 Fasli. Aggrieved by the same, the present Writ Petition is filed.

Though various other grounds have been raised on merits, the learned Counsel for the petitioner has primarily contended that suo motu revisional proceedings initiated by the Director of Settlements after a lapse of 20 years are impermissible. The learned Counsel for the petitioner has brought to my notice that in identical circumstances this Court by order dated 13-2-2007 allowed W.P.Nos.29746, 29748, 29894 & 29898 of 1997 holding that suo motu revision which was taken up after a lapse of about 16 years is illegal. The said fact has not been disputed by the learned Government Pleader.

Since the petitioner herein also stands on the same footing and the facts are identical and since admittedly the suo motu revisional proceedings were initiated after a long lapse of time, the impugned order is liable to be declared as illegal as the very initiation of the proceedings is hit by the doctrine of laches. Accordingly, the impugned order is hereby set aside and the Writ Petition is allowed. No costs.

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G. ROHINI, J.

Dt. 05-3-2007

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